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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,428	08/21/2003	David Hawley	16105-002US2 /2000P00003W	9652
32864 7590 01/16/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,428	<b>Applicant(s)</b> HAWLEY, DAVID	
	<b>Examiner</b> Satish S. Rampuria	<b>Art Unit</b> 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/03, 12/08/03</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is in response to the application filed on August 21, 2003 and preliminary amendment filed on December 08, 2003.
2. Claims 1-3 and 6-15 are pending.
3. Claim 13 is currently amended by the Applicant.
4. Claims 4-5 and 16-21 are cancelled by the Applicant.

***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies have been received on May 18, 2001 with PCT/EP01/04095 filed in April 10, 2001.

***Information Disclosure Statement***

6. An initialed and dated copy of Applicant's IDS form 1449 filed on December 15, 2003 and December 08, 2003 is attached to the instant Office action.

***Oath/Declaration***

7. The Office acknowledges receipt of a properly signed oath/declaration filed December 08, 2003.

***Specification***

8. The disclosure is objected to because of the following informalities:  
  
Appropriate correction is required.

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9. The use of the trademark/service mark "Windows" has been noted in this application (i.e., page 2). It should be appropriate or proper term (i.e., Windows®) for details please visit <http://www.microsoft.com/library/toolbar/3.0/trademarks/en-us.msp> (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Drawings***

10. The drawings were received on August 21, 2003. These drawings are acceptable by the examiner.

### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 14-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, Claim 13 recites a computer program product resides in a computing device. It is not clear how the computer program product is delivered to the device if it is already reside in the device.

Regarding claim 15, Claim 13 recites a computer program product resides in a computing device. It is not clear how the computer program product is delivered to the device if it is already reside in the device.

***Claim Rejections - 35 USC § 101***

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 8, 11, 12, and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8 and 13 are non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites a computer program product renders a first object and second object in an assembly on screen of a computer device..., representing functional descriptive material without a computer readable storage medium or a memory, computer program product (or program code) per se are not tangibly embodied. Thus, amounts to only abstract idea and are nonstatutory.

Claims 11 and 12 are not limited to tangible embodiments. In view of Applicant's disclosure, specification paragraph [0104] and [0113], the medium (program signal and program carrier) is not limited to tangible embodiments, (e.g.,

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computer readable storage medium) and intangible embodiments (e.g., transmission media, radio frequency (RF), infrared (IR), a carrier wave, telephone line, a signal, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

16. Claims 1-3 and 6-15 are rejected under 35 U.S.C. 102(a) as being anticipated by the published document "UIML: An XML Language for Building Device-Independent User Interfaces" by Marc Abrams and Contanrinos Phanouriou (hereinafter, UIML) in December 1999.

**Per claim 1:**

UIML discloses:

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receiving an application specification document by the device, the application specification document having a statement with an indication to render the first and second objects in the assembly (page 3, section Deploying UIML "...UIML document...compiled to a target platform's language...is mandatory for devices...cellular..." and page 5 section UIML as a meta-language "...UIML document...specifies a mapping of those names to a vocabulary specific to a particular target platform..." Also, see Figure 3);

interpreting the statement of the application specification document to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device (page 5 section UIML as a meta-language "...UIML document...specifies a mapping of those names to a vocabulary specific to a particular target platform..." Also, see Figure 3); and

rendering the assembly of the first and second objects on the user-interface according to the presentation pattern identified in the interpreting step (page 3, section Deploying UIML "...Java interpretive renderer permits the entire UIML interface to appear as a Java bean...end-user devices..." Also, see Figure 3).

**Per claim 2:**

The rejection of claim 1 is incorporated and further, UIML discloses:

specifying the application in the application specification document by a workbench in a development computer; and simulating the rendering step by a pre-viewer component of the workbench (See Figure 1 and 3 and related discussion).

**Per claim 3:**

The rejection of claim 1 is incorporated and further, UIML discloses:  
wherein in the rendering step, the first object and the second objects are rendered according to the presentation pattern and to a predefined hierarchy pattern (See Figure 2a-2c and related discussion).

**Per claim 6:**

The rejection of claim 1 is incorporated and further, UIML discloses:  
wherein the presentation pattern is as a display pattern, wherein the objects are rendered to the user-interface being a screen, and wherein the presentation pattern is identified according to the size (X) of the screen (See Figure 1 and 3 and related discussion).

**Per claim 7:**

The rejection of claim 1 is incorporated and further, UIML discloses:  
7. The method of claim 1, wherein in the rendering step, the presentation pattern is an audio pattern (page 2, section VoiceXML "...VoiceXML is a markup language for specifying interactive voice response applications...conversions...").



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**Claims 8 and 13** are the computer product claims corresponding to method claim 1, and rejected under the same rational set forth in connection with the rejection of claim 1, above.

**Claims 9-12 and 14-15** are the computer product claims corresponding to method claim 1 claiming carrier and signal embodied on the computer product, and rejected under the same rational set forth in connection with the rejection of claim 1, above.

### **Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

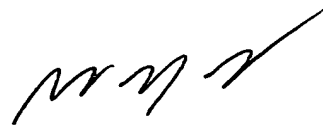
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria  
Patent Examiner/Software Engineer  
Art Unit 2191



WEI ZHEN  
SUPERVISORY PATENT EXAMINER